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Agenda item 7

ADOPTION OF THE REPORT

Addendum

Venezuela

1. The Committee considered the second periodic report of Venezuela (CEDAW/C/13/Add.21) at its 201st meeting on 29 January 1992. The list relating to the report contains the following questions:

"General observations

"The report complies with the guidelines for the preparation of second and subsequent periodic reports as it focuses on the period between the consideration of the initial report and the date of the present report. It gives 'a summary account of the progress made by Venezuela between 1985 and 1988' with emphasis on policies and programmes developed by the governmental offices/bodies in charge of the advancement of women. These efforts should be appreciated. The frankness of the report in describing the obstacles women still face is appreciated. However, most important legal reforms (amendments to the Penal Code and the Labour Law) do not seem to have advanced from the initial stage, that is from the stage of their submission to the Congress in 1986 and 1987 respectively, in which 'they have yet to be discussed in substance by it; their approval is not expected in the near future'. The report does not give any particular explanation for such a situation or plans to overcome it. The report stresses however that, although the State of Venezuela has been developing during the last few years a series of policies aimed at guaranteeing equal opportunities for women so that they can both progress fully as human beings and participate at all levels in the country's development, there remains a series of obstacles which prevent a significant improvement in this field, the most important obstacles

being 'the whole system of values, beliefs and models which assert the inequality between men and women, assigning to the latter a role and status which degrade them as human beings'. It further explains that 'these values are deeply embedded in the bulk of the population, regardless of sex and are institutionalized in the entire social, legal and economic structures of our society. Another obstacle, which is actually related to the above, is the inadequacy of the human and economic resources assigned to the development and promotion of the programmes and projects intended for the status of women'.

"Another general remark that concerns the report is that information is missing on the results of the implementation of the governmental policies and programmes for women and their evaluation, which makes it difficult to understand what is their real impact. It seems that most of the work for change is being done by women on a voluntary basis.

"Article 2

"1. What is the Government planning to do to speed up the process of the passing by the Parliament of the amendments to the Penal Code, the Labour Law and any other amendments to the existing laws that are discriminatory to women?

"2. Is the Government receiving sufficient support for its actions in favour of the advancement of women, by political parties, trade unions and the mass media and what is it planning to do to mobilize and channel their support in favour of its policies and programmes? In particular how is it going to fight against stereotyping of roles of sexes?

"Articles 3 and 4

"1. It is appreciated that the Government of Venezuela had already in 1974 and 1979 established an important machinery in charge of the advancement of women in a Ministry of State for the Participation of Women in Development. This machinery underwent substantial changes through the years, in 1987 by the establishment of the Machinery for the Family and the General Sectoral Directorate for the Promotion of Women under the Ministry and its six advisory committees (education, labour, legislation, social communication, health and political participation).

"1.1 What were the reasons for such transformation?

"1.2 What is the size of the General Directorate for the Promotion of Women and what is its budget?

"1.3 Does the Minister for the Family have any special rights in the legislative process or in the Cabinet in order to initiate, promote or implement rights for women even if these rights are under the responsibility of other ministers?

"1.4 How does the Ministry for the Family cooperate with other government ministries in solving problems of women's rights and interests?

"1.5 Has the same form of machinery for women been institutionalized at the level of state governments or municipalities?

"2.1 To what extent have the various national policy plans as forwarded by the Advisory Committees been legislated by Parliament and to what extent have they been supported by political parties?

"2.2 If they have not been implemented so far, what are the obstacles?

"2.3 Has there been pressure by women's organizations and by the mass media in this regard?

"2.4 Have the various programmes for women been continued and evaluated?

"2.5 Are women who have been trained in the leadership programmes moving into politics, trade unions, etc.?

"Article 5

"1. The Minister of Youth, in her statement before this Committee in March 1986, said that 'of the 41 per cent of university graduates who are women, only 13 per cent take up employment. A systematic self-exclusion by women from professional activities can be observed, as well as resistance on the part of employers to taking on women in areas traditionally considered to be "male" preserve'.

"1.1 Has anything been done to change this situation (attitudes)? Describe practical measures and their results.

"2. In the initial report of Venezuela a mention was made of a study being made of stereotyping and its effects in order to promote changes in the text of schoolbooks, teaching material and the messages conveyed in the media.

"2.1 What were the results of such a study, its evaluation and implementation of eventual conclusions and recommendations?

"2.2 As the stereotyping of sex roles still plays a very important role, what are the plans to deal with it in the future?

"2.3 Has the programme for the family education been implemented, to what extent and what have its effects been?

"3. Violence (articles 2, 5, 11, 12 and 16)

"3.1 What is the present legal situation with regard to domestic violence and how can protection and assistance be obtained and where: in courts or other institutions?

"3.2 Are there any statistics on incidences of violence or its victims?

"3.3 Are the members of a family, and women in particular, informed about their rights?

"3.4 What is the size and scope of the programme for the protection of the family against ill-treatment and what power does it have, if any, to enforce the protection, prosecution or education of the members of the family?

"Article 6

"1. Please explain how prostitution resulted from migration?

"2. Has the proposed reform of the Penal Code been implemented to remove the difference in penalty for raping a woman of ill-repute?

"Article 7

"1. What is the percentage of women elected in the 1989 elections or in any recent local elections and what significance have such results for women's participation in the political life of the country?

"2. Have the programmes established by the government offices to that effect had any results?

"3. Which, if any, political parties have adopted a quota system suggested by women's groups?

"Article 9

"When a Venezuelan woman gets married to a foreigner, can the husband acquire the Venezuelan nationality?

"Article 10

"What measures have been taken or contemplated to change the choices of girls and young women towards their future professions in particular concerning vocational training, technical studies, etc.?

"Article 11

"1. Is the provision of equal pay for work of equal value implemented by both public and private sectors?

"2. Does the figure of 27.3 per cent women in the active population include under-employed women, street vendors and women employed as domestic help?

"3. Do employers have the right to compel women applying for jobs to take pregnancy tests?

"4. Can one choose freely one's profession?

"5. Are there any posts in government for which women cannot apply?

"6. Are cases of violation of labour laws in connection with women workers reported and prosecuted?

"7. What types of enterprises do women run as employers?

"8. Have the efforts of the Women's Directorate to provide loans to low-income women and young people to help them establish income-generating projects and small businesses been evaluated and how many women have received loans?

"9. In addition to the welcome initiative to make it an obligation for an establishment with over 30 female employees to provide rooms for breast-feeding mothers or for the stay of children during working hours of their mothers, have there been any other initiatives to improve the working conditions for workers with family responsibilities?

"Article 12

"1. Why do women need their husband's authorization for sterilization?

"2. What programmes specially directed to women are there to deal with AIDS?

"3. Are there any programmes to ensure that marginal women have access to health and education?

"Article 13

"1. What social benefits are available to women?

"2. Do surviving spouses receive such benefits as old-age pensions and sickness benefits?

"Article 16

"1. The minimum age for marriage has been increased to 14 years for women and 16 years for men. Is there any intention to increase further the minimum age for marriage?

"2. Are new figures available on single mother households (the last figures date from 1970)?

"3. As the legal system has not been reformed as yet, discriminatory legislation remains in force in connection with adultery, abortion, etc. When will these proposed reforms be enacted?

Replies of the representative of the Government of Venezuela

2. Before replying to the list of questions, the representative explained that the second periodic report had covered the progress achieved over the period 1985-1988 and had been submitted in 1989. However, at the end of 1988 presidential elections had taken place in the country and the current administration started its work in 1989. Since the representative had taken office as Minister of State for the Promotion of Women, significant changes had taken place, which she would try to outline in her presentation. She also mentioned an additional report that she had given to the secretariat during the session, which referred to the period 1989 to 1991, and an annex entitled "The woman in Venezuela" containing statistical data. Both documents should be made available to all the members of the Committee.

3. She was in agreement with the general observations made by the pre-session working group and hoped that the following answers would fill some of the information gaps in the report.

4. On article 2, she said that the National Congress had adopted a new Labour Law, which had been promulgated in 1990. Many of its provisions were favourable to the status of women. Under that law discrimination on the grounds of sex was forbidden; however, special provisions to protect maternity and the family were not considered discriminatory. Women were entitled to receive equal pay for work of equal value and paid maternity leave of six weeks before and 12 weeks after giving birth; furthermore they received an indemnization from the social security and were protected against dismissal during pregnancy and for one year after delivery. Women could also combine any unused annual leave with maternity leave. Maternity leave was also possible in case of adoption of a baby child. In a company with more than 20 employees, the employer had to provide child-care facilities with qualified personnel. Currently the Government was trying to coordinate through a special commission the availability of child-care facilities with the national network of day-care centres. Under the new law, the employer had to allow for nursing rests for lactating mothers. The new law gave equal treatment to the spouses, if they were both working outside the house and provided protection for women who were employed in domestic service. In order to protect women in the execution of all the above rights, the institution of a Prosecutor's Office or Ombudsman for Working Women was foreseen. The Penal Code had not yet been amended, but a bicameral commission for the rights of women within the Congress was trying to deal with the amendment and with a large-scale judicial reform in the near future. A draft law against family violence was on the verge of being presented to Congress through the Minister for the Promotion of Women.

5. In reply to whether the Government was receiving sufficient support for its actions in favour of the advancement of women, she said that currently an Advisory Commission for Women to the Presidency of the Republic under the Ministry of State for the Advancement of Women worked out the policies for the promotion of women. In that Commission were representatives of all political parties and other organizations. The progress achieved in the advancement of women was the result of actions of solidarity by several Governments, all political parties, non-governmental organizations (NGOs), women's groups, trade unions and Venezuelan women at the grass-roots level. As regards the fight against stereotyping of gender roles, she said that the Ministry of Education was carrying out programmes to combat stereotyping in the school system and to promote equal opportunities through new schoolbooks, which did away with old forms of discrimination, the inclusion of gender problems in the curricula and dissemination of printed and audiovisual material. Research about gender roles was carried out, and negotiations were held with the media managers in order to allow the Office of the Ministry of State for the Promotion of Women regular broadcasting time for programmes for combating gender stereotyping.

6. Turning to questions raised under articles 3 and 4, she said that the changes that the machinery for the advancement of women had undergone were mainly due to conceptual and ideological criteria of the different Governments and to two phenomena, the lack of administrative continuity and a lack of political will to create a stable and permanent mechanism that would outlive the different administrations. Already in 1974, the first Advisory Committee under the President's Office had been created. Later, a Minister of State for the Incorporation of Women into Development had been nominated. In 1989, the President of the Republic had established an Advisory Commission for Women under the State Minister for the Promotion of Women. Furthermore, the current national development plan contained a chapter that was specifically dedicated to women's problems. And over the year 1991, the Advisory Commission had presented to the National Congress a draft law for setting up the National Council of Women as a stable and high-level body, which would depend directly on the Presidency of the Republic. She emphasized that Venezuela was a new democracy and that already in 1936, women could be found in the first political parties. The progress achieved up to the present time had originated from the political force that had been exercised by women since the very beginning. While the personnel and the budget of the General Directorate for the Promotion of Women were reduced, the Advisory Commission and the Ministry of State for the Promotion of Women had gained importance and political power. However, as long as the Ministry for the Family was not transformed in the way hoped for, the Ministry for Social Development would be maintained in addition to the General Directorate for the Promotion of Women. Currently, the Government was intending to keep those two bodies as coordinators for social policies regarding the promotion of women in all sectors. Over the last two years the State Minister for the Promotion of Women had created focal points in all ministries in order to coordinate all the programmes decided upon by the Advisory Commission. The Ministry of State and the Advisory Commission had their own offices and a budget, which allowed them to create projects and to introduce the women's dimension in all the

programmes on a permanent basis. It was important to decentralize the policies, to involve also the mayors and governors from all regions and to extend them to representatives of all the five political parties. Although the country had been in a different position from all other countries in the region because of its oil resources, structural adjustment policies were having a serious impact on development strategies. The Government took severe political and economic decisions, developed far-reaching social policies to reduce the impact of the adjustment on the poorest segments of the population. Some of the projects carried out by the Ministry of State and the Advisory Commission were the programme to fight against sexual discrimination and for equal opportunities in the school system, a programme for women and health, an expanded mother-and-child programme for poor pregnant and nursing mothers and their children, a programme for community-level education and a programme for day-care centres. The most important programme was one for funding small business loans to benefit women and children. Although the budget of the Ministry of State for the Promotion of Women was not sufficiently large to satisfy all those demands, a firm political will was behind all those programmes.

7. The various national policy plans and programmes had, so far, only been acted upon by the Parliament and various subcommissions, which had emerged from the former advisory commissions, were making comments to draft bills under discussion in the National Congress. She admitted that delays had indeed been experienced in the adoption of the draft law for the creation of the National Council for Women and in the amendments to be made to the Penal Code, especially as the latter was being done within the reform of the entire judiciary, but expressed the hope that the situation in that respect would improve as there was a special subcommission called "Women and the State", and as the Minister of State herself was responsible for reforming the administrative structure of the State. In Venezuela, there was great solidarity among all women's organizations, and the women's sections in all political parties, NGOs and women's groups were constantly exercising pressure regarding the adoption of certain laws or programmes. Women's programmes had been put on a higher hierarchical level and expanded to include the most vulnerable groups, such as pregnant and nursing mothers. The political evaluation of the programmes was done through a group of five ministries - and the Minister of State for the Promotion of Women was one of them - who discussed, drew up and reformulated projects. The technical evaluation was done by the National System for Coordination and Planning and the Central Statistical Office. Besides that, research work regarding the situation of women was ongoing. Leadership training had existed for a long time in the political parties and, more recently, also in some NGOs and women's groups at the grass-roots level. Experience showed that most women who exercised leadership positions in political parties had received such training. However, it had not been done systematically. Therefore, the Advisory Commission and the Ministry of State had initiated and financed a training programme in self-esteem, leadership and women and power. As a result of the convening, in March 1991, of the Second National Congress of Women, which had discussed the topic "women and power" and which had been attended by about 400,000 women, a chapter on women had been introduced for the first time in the eighth national development plan.

8. Turning to questions raised under article 5, the representative said women constituted, in 1983, 48 per cent of the persons who had completed higher education, two thirds were graduates from universities, one quarter was in the teaching profession and 13 per cent were graduates from technical universities. In 1985, women constituted the majority of university graduates. None the less, most women were found in the service sector and received low wages. As Venezuela had been a rich society, most women had been trained for careers involving competition. Almost half of the female labour force had secondary school education and 13 per cent had higher education. More than two thirds of women under 15 years of age were neither working nor seeking employment; they were mostly involved in household activities. Women with secondary education were mostly found in commerce and manufacturing, whereas women with higher education carried out jobs related to health and education services. The highest unemployment rate was found among office employees. In order to remedy the situation, the Government was trying to attract more women into the technical fields, giving higher responsibilities to women in public administration and assuring that in areas such as financial services and company management more women got involved in the public as well as in the private sector. The Government's current educational system was following the model of income societies but it was under reform. Hidden discrimination was still taking place, but the Government was trying to give women higher posts in public administration. There was definitely a strong political will behind those actions, which was documented by the fact that there were five women ministers, three top posts in public administration were held by women, one woman had a senior post in an oil enterprise and two out of five senior posts in the steel- and aluminum-producing company were occupied by women.

9. Two studies had been carried out on sexual stereotypes in school textbooks for pre-school and primary school education and in television programmes. The results showed that there was a clear discrepancy between the role models presented in the textbooks and the social reality of the country since the schoolbooks reinforced the sexual stereotypes of the former social framework and constituted one of the most serious obstacles to the complete integration of women in development. Similarly, television programmes strengthened prevailing sexual stereotypes and denied much of the progress achieved by Venezuelan women. Several ministries, in collaboration with the Advisory Commission and NGOs, were developing programmes and carrying out projects to combat the phenomenon of sex stereotyping. In addition to that, the Office of the Minister of State managed to broadcast a weekly programme on State television in order to educate the public. The programme for family education had been extremely successful.

10. Regarding domestic violence, she explained that the biggest problem was the Penal Code, which was still in force. Currently, neither the appropriate legislation nor administrative or service structures were available to deal with the problem. Recently, a draft law had been introduced, which was specifically directed against domestic violence and provided for training of officials who dealt with victims of violence. Currently, there were no clear legal criteria for the offence of domestic violence and often cultural values

prevented women from resorting to the authorities. Victims could resort to tribunals, the public prosecutor, police stations, hospitals and health units. She mentioned the Venezuelan Association for Alternative Sex Education as an NGO that was very active in that area and was trying to raise women's awareness to the problem. At present, no reliable statistics were available on the incidence of domestic violence. The most important programmes in that area were carried out by the Ministry of Education and the Family Ministry in collaboration with several other bodies. The media and NGOs were also launching campaigns.

11. Replying to questions posed under article 6, she said that the country did not have reliable statistics relating to prostitution. Police statistics about detention of prostitutes indicated that a high proportion came from migrant women from neighbouring countries. During 1992, the Government would be carrying out its first investigation on the subject.

12. Turning to article 7, she said that the percentage of women in the National Congress had been 4.8 per cent in 1984 and had risen to 9.3 per cent after the elections in 1989; in the Legislative Assemblies it had been 7.5 per cent in 1984 and had increased to 11.8 per cent in 1989. In the municipal councils, the percentage of women had dropped from 21.4 per cent in 1984 to 12.8 per cent in 1989 because at the last elections the electoral system had changed. The country now had an open ballot system, which favoured the support of male candidates by the political parties, and in addition to that only a few female candidates had presented themselves. So far, two political parties had established quotas of 20 per cent and 25 per cent for women, and a draft law was under discussion that would make it mandatory for all political parties to introduce a quota system.

13. For the remaining replies the representative referred the members of the Committee to the written text, which was distributed at the meeting.

14. Referring to article 9, it was stated in the replies that had been provided in writing that the foreign husband of a Venezuelan woman did not acquire Venezuelan nationality. An amendment to that discriminatory provision in the Constitution was currently under review.

15. On article 10, the replies provided indicated that a change in the choice of professions of young women and men was noticeable, and slowly but continuously women were moving into professions that had previously been reserved for men. Currently, the Minister of State was carrying out a pilot project in collaboration with the Ministry of Labour and the International Labour Organisation to stimulate more women into better paid and technically oriented professions.

16. On article 11, the text said that the principle of equal pay for work of equal value had been implemented. At present, 29.8 per cent of the population of 15 years and more were incorporated into the labour process, 80 per cent of the female population declared "inactive" could be found in household occupations and 16 per cent among students. Women job-seekers could not be

compelled to undergo a pregnancy test, and in case of violations of their rights, they could resort to the Public Prosecutor or the Ministry of Labour. No legal provision forbade the free choice of profession. Theoretically, women could apply for any government post and occupied at present about 17 per cent of high-level posts in the judiciary and in public administration. The total presence of women in public administration was in the order of 30.5 per cent. In the private sector, only 7.7 per cent of women held a managerial position. Violations of the Labour Law were generally reported through trade unions and were sanctioned under the legal provisions. In the public sector, women as employers could be found in all sectors, whereas in the private sector they were mostly in finance departments. Women were better paid in the public than in the private sector. The possibility of small-scale enterprises to apply for loans had opened new perspectives for women with low incomes. However, currently more men than women were applying for such loans, and the Family Ministry was organizing training programmes in order to involve more women in the management and administration of small-scale enterprises. It was said in the text that, thanks to various types of day-care centres and the institution of "day-care mothers", many women had the possibility to avail themselves of training and paid work outside the house.

17. On article 12, the text stated that there was no legal basis for the practice that women needed their husband's authorization for sterilization. HIV/AIDS programmes were directed to persons of both sexes. Marginalized women had also access to programmes, which provided them with food, preventive health care, medical check-ups, etc. Currently the Government was trying to extend the network for school meals to reach also the groups most in need.

18. Regarding article 13, the text stated that under the Constitution women and men had equal social rights and benefits and that special programmes were available for women. The surviving spouse, irrespective of sex, received old-age pensions and sickness benefits.

19. On article 16, it was stated that up to now there were no plans to change the marriageable ages. A slight increase in the number of single female-headed households could be noticed. About 44 per cent of them had only primary education and 23 per cent were illiterate. Half of the single female heads of households had no occupation. The current reform of the Penal Code dealt with an amendment of the discriminatory provisions relating to adultery and abortion, and the Civil Code introduced for both spouses adultery as a reason for divorce.

20. The members of the Committee were very appreciative of the detailed replies and the additional written information provided and commended the enthusiasm with which the presentation had been made. Some of them said that they knew from their own observation through visits to the country that the Government had done a lot for the advancement of women, which had not been reflected in the report. They were surprised why the second periodic report gave a totally different picture and thanked the representative for throwing light on the real situation and for having outlined the still existing

obstacles in a frank manner. Experts noted that, when the country's initial report had been considered, the oral presentation was also of much higher level than the report itself and urged the Government to present a third periodic report that would contain as much substantive information as her oral presentation and concentrate on actual progress made. The Government's political will to overcome discrimination against women, the efforts to amend the Penal Code, the importance given by the Government to decentralization, the financial support provided to women's organizations, the electoral system, the efforts to protect women from domestic violence and the attempts to influence the media in order to change discriminatory attitudes were particularly commended. However, experts emphasized that all those laudable efforts needed to be matched by an effective machinery. To combine regional initiatives with national machinery was a very positive effort. It was asked how attitudes towards women, as reflected in the presentation, were valued in the society.

21. The representative of the Government expressed her gratitude for the solidarity of the Committee members and said that women's resources in Venezuela were scarce; however the firm will to acquire them existed. The biggest problem was to make public administration officials aware of women's issues. She said that Venezuelan women were trying to influence the society through the family, the media and the laws, and that the use of the radio proved to be the most efficient media in that context. She said it would be beneficial if the United Nations could establish a machinery to facilitate the dialogue between the different aid agencies that provided financial and technical support.

22. In concluding observations, the Chairperson congratulated the representative on behalf of the Committee on her frank and clear description of the situation of women in Venezuela and on the substantive and detailed replies given. However, the subsequent periodic report should paint a fairer picture of the status of women in the country. She said that the programme to change attitudes through the mass media, school textbooks and teaching programmes deserved follow-up and evaluation, the results of which should subsequently be made known to the Committee. She was impressed by Venezuelan women's efforts to participate in political life and asked for an evaluation of those initiatives. She also pointed out the spirit of solidarity among NGOs and inquired about its reasons. The Chairperson praised the many privileges given to women by the new Labour Law and asked for information on measures regarding violence against women. She wished Venezuelan women success in their endeavours to be given the rights that they were entitled to under the Convention.